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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/127,067 07/31/1998		TOYOAKI NAMBA	503110.083738	9670	
29540 DAY PITNEY	7590 07/29/200 LLP		EXAMINER		
7 TIMES SQUA			HAGEMAN, MARK		
NEW YORK, N	N1 10030-7311		ART UNIT	PAPER NUMBER	
			3653		
			MAIL DATE	DELIVERY MODE	
			07/29/2008	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Communication		Applicati	on No.	Applicant(s)				
		09/127,00	37	NAMBA ET AL.				
	Office Action Summary	Examine	•	Art Unit				
		Mark Hag		3653				
Period fo	The MAILING DATE of this communication or Reply	n appears on the	e cover sheet with the o	correspondence ad	ddress			
WHIC - Exte after - If NC - Failu Any	ORTENED STATUTORY PERIOD FOR RECHEVER IS LONGER, FROM THE MAILING asions of time may be available under the provisions of 37 CF SIX (6) MONTHS from the mailing date of this communication of period for reply is specified above, the maximum statutory per to reply within the set or extended period for reply will, by steply received by the Office later than three months after the red patent term adjustment. See 37 CFR 1.704(b).	G DATE OF THE FR 1.136(a). In no even. eriod will apply and westatute, cause the app	HIS COMMUNICATION ent, however, may a reply be tir ill expire SIX (6) MONTHS from lication to become ABANDONE	N. mely filed the mailing date of this of the (35 U.S.C. § 133).				
Status								
1) 又	Responsive to communication(s) filed on 1	17 March 2008						
-	This action is FINAL . 2b) ☐ This action is non-final.							
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is							
٠,١	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.							
Disposit	on of Claims							
4)⊠	Claim(s) 1-10 is/are pending in the applica	ation.						
	4a) Of the above claim(s) is/are withdrawn from consideration.							
	5) Claim(s) is/are allowed.							
	Claim(s) <u>1-10</u> is/are rejected.							
-	Claim(s) is/are objected to.							
	Claim(s) are subject to restriction as	nd/or election r	equirement.					
Applicat	ion Papers							
	The specification is objected to by the Exar	miner						
•			Objected to by the	Examiner.				
٠٠/	10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
		÷		• •	FR 1.121(d).			
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.								
Priority (ınder 35 U.S.C. § 119							
12)⊠ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).								
a)	 a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 							
				·	I Stane			
application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.								
255 the diagonal detailed entire detail for a list of the defining depice not received.								
A44	W-)							
Attachmen 1) Notice	t(s) e of References Cited (PTO-892)		1) Intonvious Summar	, (PTO-413)				
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date								
3) Information Disclosure Statement(s) (PTO/SB/08) 5) Notice of Informal Patent Application								
Paper No(s)/Mail Date 6) L Other:								

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 2. Claims 2-4, 8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
- 3. Claims 2-4 and 8 all recite the limitation "transfer means". There is insufficient antecedent basis for this limitation in the claim. The amendment removed the language transfer means from the independent claim. It is believed the transfer means is the same as the holding means and the claims have been treated as such.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 5. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by US 5,384,634 to Takehara. Takehara discloses storage means (figure 15) for storing sheets conveyed from an image forming device; matching means (ST and 155) for regulating at least one end of a sheet bunch stored by said storage means to match said end of sheet bunch at a predefined matching position; staple means (200a) for

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stapling said sheet bunch stored by said storage means; holding means (1107 and 38) for once conveying said sheet bunch matched at the matching position back in a first direction opposite to said one end of said sheet bunch and subsequently conveying said sheet bunch forward in a second direction toward said one end of said sheet bunch; and a controlling means (c12 lines 20+) for controlling said stapling means so as to perform a first stapling after once conveying the sheet bunch back in the first direction from said matching position and subsequently perform a second stapling after conveying said sheet bunch forward in the second direction.

Regarding claims 2-10 see figure 15 and c12 lines 20+.

Response to Arguments

6. Applicant's arguments filed 3-17-2008 have been fully considered but they are not persuasive. Applicant stated, "the apparatus disclosed in Takehara does not transfer the sheet bunch before the first staple is disposed." Examiner disagrees and maintains that Takehara does disclose stapling after once conveying as claimed. The sheets are initially conveyed by 38' and aligned (155' and ST) this being the first conveying. They are then stapled, conveyed a second time and stapled again as set forth in c12 lines 20+ and illustrated in figure 15.

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Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Hageman whose telephone number is (571) 272-3027. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick H. Mackey/ Supervisory Patent Examiner, Art Unit 3653

MCH